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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
5 **SAN JOSE DIVISION**  
6

7 ALICE COTTI, et al.,  
8 Plaintiffs,

9 v.

10 CITY OF SAN JOSE, et al.,  
11 Defendants.

Case No. 18-cv-02980-BLF

**ORDER DISMISSING CERTAIN  
DEFENDANTS; AND CLARIFYING  
WHICH DEFENDANTS REMAIN IN  
THIS ACTION**

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13 On September 4, 2019, the Court issued an order (“September 4 Order”) which:

- 14 (1) Clarified that the following Defendants have been dismissed from the case:  
15 Rebekah Children’s Services, City of San Jose, San Jose Police Department, Judge  
16 Patrick E. Tondreau, Amy Choi, Nikolas Arnold, County of Santa Clara, Officer  
17 Gaona, Officer Avila, Sergeant Vu Tran, Family Legal Advocates, Dependency  
18 Advocacy Center, Wesley Schroeder, John Faulconer, and Legal Advocates for  
19 Youth and Children;
- 20 (2) Denied Plaintiffs’ motion to set aside dismissal of the above Defendants and  
21 motion for leave to file an amended pleading adding some of them back into the  
22 case; and
- 23 (3) Ordered Plaintiffs to show cause, in writing and on or before September 18, 2019,  
24 why the Court should not dismiss the following Defendants for failure to effect  
25 service of process: Francesca LeRue, Pa Chang, Phu Nguyen, Jeff Johnson, Sarah  
26 Gerhart, Department of Social Services, Santa Clara County Department of Family  
27 and Child Services, Social Security Agency of Santa Clara County, and Amy Guy.

28 *See* September 4 Order, ECF 136.

1 The Court granted two extensions of the Order to Show Cause response deadline requested  
2 by Plaintiffs' counsel, an initial extension to September 23, 2019 and then a second extension to  
3 October 7, 2019. *See Ex Parte Applics.*, ECF 148, 150; Orders, ECF 149, 151. The requested  
4 deadline of October 7, 2019 elapsed more than a month ago, and Plaintiffs have neither responded  
5 to the Order to Show Cause nor requested more time for response.

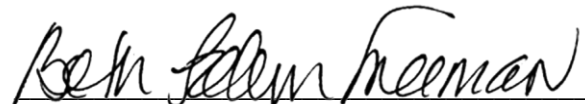
6 Plaintiffs have filed proofs of service of process with respect to Defendants Francesca  
7 LeRue, Pa Chang, Phu Nguyen, and Jeff Johnson.<sup>1</sup> As to these four Defendants, the Court  
8 DISCHARGES the Order to Show Cause. The Court makes no determination whether the proofs  
9 of service are adequate with respect to these four Defendants.

10 Plaintiffs have not filed proofs of service of process with respect to Defendants Sarah  
11 Gerhart, Department of Social Services, Santa Clara County Department of Family and Child  
12 Services, Social Security Agency of Santa Clara County, or Amy Guy. Accordingly, these  
13 Defendants are DISMISSED WITHOUT PREJUDICE for failure to effect service of process as  
14 required under Federal Rule of Civil Procedure 4(m).

15 In light of the foregoing, the court CLARIFIES that Defendants Francesca LeRue, Pa  
16 Chang, Phu Nguyen, and Jeff Johnson are the ONLY Defendants remaining in this action. The  
17 Clerk SHALL amend the docket to reflect that all other Defendants have been terminated.

18 **IT IS SO ORDERED.**

19  
20 Dated: November 12, 2019

21   
22 BETH LABSON FREEMAN  
23 United States District Judge  
24  
25  
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28 <sup>1</sup> Plaintiffs also filed a proof of service of process on an individual named Barry Grigsby, who is  
not named in the operative third amended complaint.